

MINUTES
PLANNING COMMISSION
FEBRUARY 11, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Sherrard, Steinfeld
Alternate members present: Fitzgerald, Zod
Absent: Kane, Munn
Staff present: Murphy, Glemboski, Silsby

Chairman Sherrard called the meeting to order at 7:05 p.m.

Chairman Sherrard appointed Zod to sit for Munn and appointed Fitzgerald to sit for Kane.

II. APPROVAL OF THE FOLLOWING MINUTES – January 14, 2014 and January 28, 2014

MOTION: To approve the minutes of January 14, 2014, as amended.

Motion made by Pritchard, seconded by Steinfeld, so voted unanimously.

MOTION: To approve the minutes of January 28, 2014, as amended.

Motion made by Steinfeld, seconded by Zod, so voted 4 in favor, 0 opposed, 1 abstention (Sherrard)

III. PUBLIC COMMUNICATIONS

Staff stated that the 2-20-14 POCD Steering Committee meeting has been cancelled. The next meeting will be held on 3-20-14. He also noted that Mr. Sherrard has been re-appointed to the Planning Commission with a term date of 12-31-18.

Ken Navarro, Historic Mystic LLC requested to be added to tonight's agenda to discuss an extension request.

MOTION: To add this item under Site Plans

Motion made by Sherrard, seconded by Pritchard, so voted unanimously.

IV. SUBDIVISIONS

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM)

Staff stated that the Town Attorney is currently reviewing all pertinent documentation. He requested that this item be tabled until the next meeting scheduled on 2-25-14. It was noted that the Planning Commission has 65 days to make a decision. It was requested that the Town Attorney's opinion be submitted in written form to the Planning Commission. Staff noted that there could be significant legal aspects pertaining to this application.

MOTION: To Table this item until February 25, 2014

Motion made by Sherrard, seconded by Steinfeld, so voted unanimously

Sherrard stated that he has reviewed the recording of the Oat public hearing of 1/28/14 and has read the minutes as well. He stated that he feels capable of voting on this item. He referred to voting rules and noted that Fitzgerald had recused himself for this item. Voting members will be Kane, Munn, Pritchard, Steinfeld, and Zod. Sherrard will be a back-up Commissioner, if necessary. He feels fully qualified to stand in if need be.

2. Seaport Community Church Subdivision, 28 Great Brook Road (SUB13-04)

For the record, Sherrard stated that he has listened to the recording of the public hearing that was held on January 28, 2014 and feels capable of making a well informed decision. As such, he will be a voting member for this application.

Staff gave an overview of the application, reviewed maps, and referred to Exhibit A. Information was given about the waiver request, the survey gore (gap), the conservation easement area, the potential for a trail area and additional building lots.

Concerns were raised about the lack of a designated buffer area. Discussion ensued about clearing areas, disturbing vegetation, grading, utilities, and easements.

Sherrard suggested that a condition be included to address these concerns, to specify the width of the driveway and address minimizing the cutting of trees and shrubs in the easement. The specific condition was discussed at length by the Commission. Discussion followed about the location of the underground utilities.

MOTION: To approve a waiver of Section 4.9 of the Subdivision Regulations, that requires reservation of no less than 10% of the gross area of the subdivision as open space or the payment of a fee in lieu of open space, based on the following:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on adjacent property.
2. This property is unique in that it is a large parcel of land that has an existing religious institute onsite. The subdivision is to create 2 residential building lots occupying approximately 7.5 % of the current lot area. The applicant has proposed the dedication of a 4.8 acre (18.5 % of site) conservation easement along a wetland area that will protect natural resources in the Town and will allow for a future trail through the site potentially connecting two open space park areas within the Town. This uniqueness is specific to this subdivision, is not generally applicable to other properties undergoing subdivisions or resubdivisions within the Town of Groton, and will in no way set a precedent for requirement of future dedication of open space land or the payment of an in lieu fee.

3. The waiver will not conflict with the provisions of the Zoning Regulations, the Plan of Conservation and Development, or the regulations of any other Town Board or Commission.

Motion made by Sherrard, seconded by Pritchard, so voted unanimously

MOTION: To approve a subdivision plan for Seaport Community Church Subdivision (SUB13-04), 28 Great Brook Road, with the following modifications:

1. The final plans shall show the northwest property line and markers modified to resolve the gore (surveying gap) and the boundary dimensions raised during the project review. All associated legal documents for the resolution of the gore and the boundary shall be recorded and copies submitted to the Office of Planning and Development prior to the recording of the final Subdivision Plan.
2. The final subdivision plan shall show the location, with metes and bounds, of the approximately 4.8 acre conservation easement as shown on Exhibit A. The easement document shall allow for the construction of a future public trail through the easement area. A final, executed conservation easement document shall be provided to the Town of Groton prior to the recording of the subdivision plan. The conservation area boundaries shall be marked with the Town of Groton conservation markers at 50-foot intervals.
3. The sides of the 40-foot wide right-of-way easement area shall be staked and erosion and sediment controls and/or fencing established prior to any disturbance of the easement area.
4. The underground utilities shall be located entirely within the physical width of the approved, shared driveway, within the easement areas of lots 31 and 32. The clearing limit shall be revised to only include the clearing necessary to create the driveway with underground utilities. Every effort shall be made to retain as many trees and shrubs and as necessary, to relocate shrubbery to provide visual buffers for the existing homeowners.
5. All staff technical items shall be addressed.

The Planning Commission notes that it reserves the rights to address the requirements of open space under any future subdivision or resubdivision of the site in accordance with Section 4.9 of the Subdivision Regulations.

Motion made by Sherrard, seconded by Steinfeld, so voted unanimously

V. SITE PLANS

1. Historic Mystic LLC,

Ken Navarro and Rod Desmaris were present. Navarro stated that his previously approved extension expires this coming Thursday, February 13, 2014 and requested

another 60-day extension. He stated that he is willing to accept the language of the public access easement as proposed by the Town and Town Attorney, without any changes. He noted that he has engaged a construction manager and will be going to bid soon on the site related work. He added that everything is complete except for the coastal access easement.

Sherrard asked Navarro directly if he has agreed to all of the proposed language for the easement. Navarro stated yes. It was also noted that no required documentation has been received by the Town since the last extension approval. Sherrard explained his concerns and frustrations with the continued delay and that the easements and site plans have not yet been recorded in Groton Land Records. He stated that the Town Attorney has drafted a Motion to Approve and a Motion to Deny for any extension.

Navarro explained that he was unsure of the recording process. Staff stated that the original hard copies of the easements/documents are required before a final review can be made by the Town. Discussion followed about the time frame it would take to get the final easements and site plans reviewed by the Town, signed, and recorded in Land Records. Navarro stated that he could get hard copies of the easements/documents to the Planning Department by Wednesday. Setting a 30 day deadline (March 11, 2014) was discussed. For the record, Navarro noted that a request for a dock will be brought up in the near future. Sherrard asked Navarro if he understood the language in the Motion, to which Navarro stated yes.

MOTION: To grant Historic Mystic LLC an extension of time until March 11, 2014, to record the plans, easements, agreements, and all required legal documentation (the "Plans") and commence construction relating to the site plan and its coastal site plan approved by this Commission on October 9, 2012 ("SIT12-13"). This will be the last extension granted for the recording of the plans. The Commission will consider a further request for extension of the time to commence construction, but only if the Plans are recorded within the time provided in this motion.

Motion made by Sherrard, seconded by Pritchard, so voted unanimously.

VI. OLD BUSINESS

1. Subdivision Regulation Amendments – None
2. Plan of Conservation and Development Update

Staff stated that the February 20, 2014 meeting has been cancelled. The next meeting will be held on Thursday, March 20, 2014. Information was distributed.

3. Groton Open Space Association (GOSA) Request for Letter of Support for Land Acquisition: Tilcon Property – Continued

Joan Smith, 58 Mohegan Road, President of the Groton Open Space Association (GOSA), distributed information, reviewed maps showing the location, and spoke about conservation issues. She read and submitted a letter dated February 8, 2014, from Connecticut College Professor Robert Askins, who spoke in favor of GOSA's request. The letter stressed the importance of conservation values. Aerial maps were viewed and an article was submitted. She noted the value of local habitat and raised concerns about

the potential for future development. She reiterated her request to endorse GOSA's application to protect this open space land.

Director Murphy left the room for 10 minutes and returned around 8:20 p.m.

Discussion followed about GOSA's deadline and Town Council concerns. Staff reviewed maps and spoke about zoning of site, wetlands, and sloped areas. It was noted that the Conservation Commission endorsed this plan but the Town Council did not. Various plans within the Town were referred to from the 2002 Plan of Conservation and Development.

Concerns were raised about future development for portions of the land and water quality. Additional concerns were raised about the public access being limited and GOSA being able to lay out the ground rules/restrictions of the land, even though land is purchased with some public and state funding. Discussion ensued about GOSA's intent for the property.

Chairman Sherrard referred to a letter from Commission member Munn, who walked the site and is in favor of the request. Sherrard stated that he walked the property and explained why he felt that a portion of the land is developable. Sherrard expressed his concerns about the management of the property and would like to continue this discussion at a later date. A suggestion was made about GOSA asking for three (3) parcels instead of five (5) parcels, so as to downsize the request. Smith will consider the suggestion. Pritchard requested that Smith come back to the next meeting with information showing what areas she considers not developable.

Steinfeld stated that he walked the Tilcon property as well.

MOTION: To table this item until February 25, 2014

Motion made by Sherrard, seconded by Pritchard, so voted unanimously

VII. NEW BUSINESS

1. SCCOG/Regional Planning Commission Update

Sherrard stated that the SCCOG/Regional Planning Commission is looking to re-establish regional planning meetings. He offered that if a current PC member is interested in serving on the Commission, the person would serve as the primary person on behalf of the Town's Planning Commission. Staff gave information about the SCCOG wanting to consolidate regions. Sherrard stated that the next meeting will be held on March 3, 2014.

2. Noank Fire District Referral of Lease Agreement with North Atlantic Towers, LLC under CGS 8-24 for property at 130 Brook Street

Staff reviewed the proposal and noted concerns that had been brought up about whether the Planning Commission has jurisdiction over this item. He stated that the Town attorney has determined that the Planning Commission does not have jurisdiction over this item. A memo stating such will be sent to the Noank Fire Department. Staff explained the appropriate process and requirements that need to be followed for towers.

No action was taken on this item.

3. Report of Commission - None

VIII. NEW APPLICATIONS

Staff noted the following two new applications:

- 1) Mystic Art Center Parking, Water Street (CAM)
- 2) Pizzetta Site Plan, 7 Water Street (CAM)

IX. REPORT OF CHAIRMAN

Sherrard received a call from Town Councilor Frink regarding the use of William Seeley School. The Town Council will be referring this to the Planning Commission under CGS 8-24.

X. REPORT OF STAFF

Staff referred to the upcoming March 13, 2014, CFPZA Annual Conference. Any member interested in attending should inform Town staff. Sherrard and Fitzgerald would like to attend.

Concerns were raised about numerous trailers being illegally parked in various sections of town, which could potentially fall under the Town's newly adopted Blight Code Ordinance. Staff will discuss this issue with Building Official Kevin Quinn.

Sherrard spoke about land use basic training and distributed documentation for those interested in signing up.

XI. ADJOURNMENT

Motion to adjourn at 9:29 p.m. was made by Steinfeld, seconded by Pritchard, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Robin Silsby
Office Assistant II